

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

Case No. 4:17-cv-13466

v.

Hon. Linda V. Parker
Magistrate R. Steven Whalen

PROFESSIONAL ENDODONTICS, P.C.,

Defendant.

CONSENT DECREE

The Equal Employment Opportunity Commission (the “Commission”) commenced this action under the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621 *et. seq.* (the “ADEA”). The Commission’s complaint alleges that Defendant, Professional Endodontics, P.C., (“Defendant”) terminated Karen Ruerat on the basis of her age in violation of the ADEA. Defendant denies that it discriminated against Karen Ruerat on the basis of her age, terminated her on the basis of her age, or otherwise violated the ADEA.

The Commission and Defendant agree that this action should be resolved by entry of this Consent Decree. Neither this Decree nor the payment as set forth below shall be deemed or construed at any time for any purpose as an admission by Defendant of wrongdoing or evidence of any liability or unlawful conduct of any kind, including any violation of the ADEA, which Defendant denies. This Consent Decree shall be a final and binding settlement in full disposition of the claims arising out of the complaint filed by the Commission in Case No. 4:17-cv-13466 on

behalf of Karen Ruerat.

It is therefore the finding of this Court, made on the pleadings and the record as a whole, that: 1) the Court has jurisdiction over the parties and the subject matter of this action; 2) the purpose and provisions of the ADEA will be promoted and effectuated by the entry of this Consent Decree; and 3) this Consent Decree resolves the matters in controversy between the parties as provided in the paragraphs below.

Therefore, it is hereby ORDERED, ADJUDGED AND DECREED:

PROHIBITION AGAINST DISCRIMINATION AND RETALIATION

1. Defendant and its successors are enjoined from firing employees based on age, forcing employees to resign or retire based on age, or otherwise discriminating against employees based on age, in violation of the ADEA.
2. Defendant and its successors are enjoined from retaliating against any person because of opposition to a practice deemed unlawful under the ADEA or because of the filing of a charge, the giving of testimony, or assistance or participation in any manner in an investigation, proceeding or hearing brought under the ADEA.

MONETARY RELIEF

3. Defendant shall pay Karen Ruerat \$47,000.00 subject to applicable withholdings. Defendant shall not deduct from any amount the employer's share of any costs, taxes or social security required by law to be paid to the employer.
4. The payment(s) to Karen Ruerat shall be mailed directly to her home address by certified mail within fourteen (14) days after this Decree has been entered by the Court. Also, at such time as the check is sent to Karen Ruerat, Defendant shall send a photocopy of the check and certified mail receipt to Kenneth L. Bird, Regional Attorney c/o Miles L.

Uhlar, Trial Attorney, 477 Michigan Avenue, Room 865, Detroit, MI 48226, and also e-mail these documents to monitoring-eeoc-into@eeoc.gov.

POLICY

5. Within sixty (60) days of the Court's entry of this Decree, Defendant shall further enhance its Equal Employment Policy by referencing the ADEA and describing the ADEA's general provisions against age discrimination with respect to hire, discharge, compensation and other terms, conditions or privileges of employment. Immediately upon completion of these revisions, Defendant will disseminate a copy of the revised Equal Employment Policy to all owners, doctors and employees within sixty (60) days of the Court's entry of this Decree. The policy or written documentation which accompanies the policy, will clearly state that there is no mandatory retirement age.

TRAINING

6. On an annual basis for two (2) years from the effective date of this Decree, Defendant shall provide anti-discrimination training to owners, doctors and employees. Such training shall include the practices made unlawful under the Age Discrimination in Employment Act. The initial training session shall be conducted within sixty (60) days after the Court has entered this Decree. Upon completion of the annual training, Defendant shall confirm to the Commission the date(s) of training and shall provide the Commission with a list which identifies attendees by name and category of position, such as staff, owner or doctor. This information shall be provided via mail to Kenneth L. Bird, Regional Attorney c/o Miles Uhlar, Trial Attorney, 477 Michigan Avenue, Room 865, Detroit, MI 48226, and shall also be submitted via e-mail to monitoring-eeoc-into@eeoc.gov.

NOTICE POSTING

6. Defendant shall post the Notice attached as Appendix A in a conspicuous place where employee notices are posted at its facility. This Notice shall remain posted throughout the term of this Decree. In the event that the Notice becomes defaced, marred or otherwise made unreadable, Defendant shall post a readable copy of the Notice in the same manner as soon as practicable.

DURATION

7. The provisions of this Decree shall remain in full force and effect for 2.5 years following entry by the Court.

DISPUTE RESOLUTION AND COMPLIANCE

8. The Court shall retain jurisdiction and will have all available equitable powers, including injunctive relief, to enforce this Decree. Upon motion of the Commission, the Court may schedule a hearing for the purpose of reviewing compliance with this Decree. The parties shall engage in a good faith effort to resolve any dispute as to compliance prior to seeking review by the Court. All parties may conduct discovery under the Federal Rules of Civil Procedure for purposes of determining compliance with this Decree or defending against a claim of non-compliance.

MISCELLANEOUS

9. Each party shall bear their own cost and fees incurred as a result of this litigation.
10. If any provision(s) of this Decree is found to be unlawful, only the specific provision(s) in question shall be affected and the other provisions will remain in full force and effect.
11. The terms of this Consent Decree are and shall be binding upon the present and future owners, shareholders, officers, directors and successors of Defendant. Before selling any

part of its business during the duration of this Decree, Defendant will provide notice to the buyer of this Decree along with a copy of this Decree. Further, Defendant will provide notice to the Commission of any sale of any part of its business.

12. Any modifications to this Decree must be made by the Court.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: March 14, 2018

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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APPENDIX A

NOTICE

This Notice is being posted to inform you of your rights guaranteed under the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621, *et seq* (the “ADEA”). The ADEA prohibits discrimination against any applicant or employee based on his or her age with regard to any term or condition of employment including hiring, layoff, recall, promotion, discharge, pay and fringe benefits or as a result of retaliation for the exercise of protected rights or opposition to unlawful employment practices.

The U.S. Equal Employment Opportunity Commission (“EEOC”) is the federal agency which investigates charges of unlawful employment discrimination and, if necessary, brings lawsuits in federal court to enforce the employment provisions of the ADEA. Any employee who believes that he/she is the victim of discrimination or harassment has the legal right to file a charge of discrimination with the EEOC. Professional Endodontics, P.C., supports and will comply with this federal law in all respects and will not take any action against any applicant or employee because they have exercised their rights under this law.

Date

PROFESSIONAL ENDODONTICS, P.C.